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09/819,328	03/28/2001	Charles J. Horvath	SRT-006CP (5049/7)	4371

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TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/819,328

Applicant(s)

HORVATH ET AL.

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Double Patenting***

1. Claims 1-18 of this application conflict with claims 1-19 of Application No. 09/550,230. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**2. Claims 1-6, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Levy et al U.S. Patent No. 6,212,633 B1.**

As to claims 1 and 10, Levy et al discloses establishing a connection with a remote system [column 13, lines 8-20]. Levy et al discloses receiving an identifier from the remote system [column 13, lines 28-32]. Levy et al discloses using the identifier to filter information received through the connection with the remote system [column 6, lines 12-18].

As to claim 2, Levy et al discloses initiating a serial connection with the remote system [column 5, lines 38-55].

As to claim 3, Levy et al discloses contacting the remote system [column 12, lines 16-20]. Levy et al discloses providing the remote system with authentication credentials [column 11, lines 29-45]. Levy et al discloses receiving a serial connection from the remote system in response to the authentication credentials [column 14, lines 36-67].

As to claim 4, Levy et al discloses requesting an identifier from the remote system [column 20, lines 46-59]. Levy et al discloses receiving an identifier in response to the request [column 20, lines 46-59].

As to claim 5, Levy et al suggests that the identifier from the remote system is an Internet Protocol (IP) address [column 7, lines 7-25].

As to claim 6, Levy et al discloses receiving a packet of information from the remote system [column 15, lines 65-67]. Levy et al discloses examining the packet of information to determine its destination address [column 16 line 63 to column 17 line 3]. Levy et al discloses comparing the destination address to the identifier received from the remote system [column 16 line 63 to column 17 line 3]. Levy et al discloses accepting the packet if its destination address matches the identifier [column 16 line 63 to column 17 line 3]. Levy et al discloses rejecting the

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packet if its destination address does not match the identifier [column 16 line 63 to column 17 line 3].

As to claim 8, Levy et al discloses assigning the identifier received from the remote system to the local system [column 15, lines 39-49].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 7, 9, and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy et al U.S. Patent No. 6,212,633 B1 as applied to claim 1 above, and further in view of Willens U.S. Patent No. 5,889,958.**

As to claims 7, 9 and 16, Levy et al does not teach that the remote system chooses the identifier transmitted from a pool of identifiers. Levy et al does not teach receiving a second identifier from the remote system. Levy et al does not teach assigning the second identifier to service management logic on the local system. Levy et al does not teach using the second identifier to filter information received through the connection with the remote system.

Willens teaches that a remote system chooses the identifier transmitted from a pool of identifiers [column 8, lines 26-31]. Willens teaches receiving a second identifier from the remote system [column 8, lines 26-31]. Willens teaches assigning the second identifier to service management logic on the local system [column 8, lines 26-31]. Willens teaches using the

second identifier to filter information received through the connection with the remote system [column 5, lines 9-37].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Levy et al so that the remote system would have chosen the identifier from a pool of identifiers. The firewall would have received a second identifier from the remote system. This second identifier would have been used to filter information received through the connection between the firewall and the remote system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Levy et al by the teaching of Willens because the examiner asserts that enhances security so that a third party does not get a hold of identifiers being transmitted from the client side.

As to claim 11, the Levy teaches the initiation of a serial connection by a remote system [column 5, lines 38-55].

As to claim 12, Levy teaches receiving a call from the remote system [column 13, lines 8-20]. Levy teaches receiving authentication credentials from the remote system [column 6, lines 52-61]. Levy teaches initiating a serial connection with the remote system in response to the authentication credentials [column 14, lines 36-67].

As to claim 13, Levy teaches requesting an identifier from the remote system [column 20, lines 46-59]. Levy teaches receiving an identifier in response to the request [column 20, lines 46-59].

As to claim 14, Levy teaches that the identifier from the remote system is an Internet Protocol (IP) address [column 7, lines 7-25].

As to claim 15, Levy teaches receiving a packet of information from the remote system [column 15, lines 65-67]. Levy teaches examining the packet of information to determine its destination address [Levy column 16 line 63 to column 17 line 3]. Levy teaches comparing the destination address to the identifier received from the remote system [column 16 line 63 to column 17 line 3]. Levy teaches accepting the packet if its destination address matches the identifier, as discussed above. Levy teaches rejecting the packet if its destination address does not match the identifier [column 16 line 63 to column 17 line 3].

As to 17, Levy teaches assigning the identifier received from the remote system to the local system, as discussed above.

As to 18, Levy teaches receiving a second identifier from the remote system, as discussed above. Levy teaches using the second identifier to filter information received through the connection with the remote system, as discussed above. Levy teaches assigning the second identifier to service management logic on the local system, as discussed above.

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*Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1373.

Aravind K Moorthy  
October 22, 2003

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100